

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JEROME SCHMIDT

NO. 1:18-CV-88-DAE

Plaintiff

vs.

UNITED STATES OF AMERICA,

Defendant

**PLAINTIFF’S MOTION TO ENTER CERTAIN BILLING
RECORDS**

Per the Court’s instructions, Plaintiff offers the following pared down list of billing records into evidence. Plaintiff offers the following billing records into evidence. Plaintiff notes that the evidentiary basis for admission is not the sole evidentiary basis but is “sufficient evidence to support a finding” for the admission and reliance of the evidence. *See* Fed. R. Evid. 104(b).

BILLING EXHIBIT	EVIDENTIARY BASIS	RATIONALE
P25 — Seton ER	Deposition on Written Questions. P25 at 3–6.	These records are for Dr. Schmidt’s treatment at the emergency room following the wreck (Oct 13, 2015).
P28 — Dr. Raymond, Neurology	Section 18.001 Affidavit. P28 at 1. Deposition on Written Questions. P28 at 8–11.	Dr. Schmidt was treated by neurology for post-concussive syndrome.
P32 — Austin Center for Therapy & Assessment	Deposition on Written Questions. P32 at 5–8; <i>see also</i> Daily Tr. at 448:15–25 (Dr. Bigler testified that the therapy and testing was necessary to address cognitive problems caused by the wreck); Tr. at 171:7–14 (Dr. Thoma); Tr. at 141:20–25 (Dr. Dees).	Multiple witnesses testified that Dr. Schmidt’s brain injury caused the need for the therapy sessions.
P33 — Imaging	Section 18.001 Affidavit. P33 at 1; Deposition on Written Questions. P33 at 7–10.	<p>From this record, Plaintiff intends to ask the Court in his amended findings for only the imaging related to the brain:</p> <ul style="list-style-type: none"> • P33 at 12 (10/13/15 CT of Brain) • P33 at 13 (10/22/15 MRI of Brain)

Respectfully Submitted,

/s/ Tom Jacob

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CERTIFICATE OF SERVICE

By my signature above, I certify that a copy of Plaintiff's Motion to Enter Certain Billing Records has been sent to the following on March 5, 2020 via the Court's CM/ECF notice system.

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